

MINUTES OF THE REGULAR MEETING OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

JANUARY 23, 2008

The **Regular Meeting** of the Council of Commissioners was called to order Wednesday, **January 23, 2008** in the Council Chambers, Third Floor, Room 312, Courthouse Building, 155 West Granite Street, Butte, Montana by Chief Executive Paul Babb.

ROLL CALL

10 present and 2 absent. Commissioners Frasz and Coleman were excused.

PRAYER

Commissioners were led in prayer by Commissioner Lee.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF JANUARY 9, 2008

It was moved by Commissioner O'Leary, seconded by Commissioner Lee and carried by roll call vote of 10 yeas, 0 nays and 2 absent to approve the Minutes of the Regular Meeting of January 9, 2008.

ITEMS NOT ON THE AGENDA – SUSPENSION OF THE RULES

None

CHIEF EXECUTIVE'S REPORT

Chief Executive Babb reported that MIG was in last week. They have started the process on our Master Plan for our Parks and Recreation Study. That is moving forward.

They also had a meeting yesterday to get everything together for our lobbyist for the trip that Charlie O'Leary and he will be making on February 4 through the 7th.

This Friday the Consulate from China will be here. The kick-off breakfast will be at the Copper King Mansion. The major point of their trip is to develop some relationships with Butte-Silver Bow and also look at our mining operations.

SECTION I

PUBLIC HEARING

FOR THE PURPOSE TO SOLICIT COMMENTS REGARDING THE

ALLOCATION OF THE 2007 BULLETPROOF VEST GRANT (BPV) FUNDS FROM THE UNITED STATES DEPARTMENT OF JUSTICE. (Communication No. 08-18 being held in Committee of the Whole) **Proof of publication was noted and placed on file.**

George Skuletich, Captain in the Butte-Silver Bow Police Department who lives at 3625 Albany came to the microphone. They have been running this program for about 10 years now. They rotate their vests through their department. Each vest lasts for about five years so they replace them every five years. They replace roughly five to seven vests a year. This year they purchased five vests. Everyone in the department wears a bulletproof vest.

Chief Executive then opened the public hearing at 7:30 PM and called for any proponents. On the third and final call there being none, he called for any opponents. Again, there was no response so he called the public hearing closed at 7:31PM.

SECTION II

REQUEST FOR PROPOSALS

FOR THE PURPOSE OF RECEIVING SEALED PROPOSALS FROM QUALIFIED AND EXPERIENCED CONSULTANTS, FIRMS OR QUALIFIED INDIVIDUALS TO PROVIDE PROFESSIONAL SERVICES FOR THE IMPLEMENTATION OF A DEBIT/CREDIT PROCESSING SYSTEM FOR VARIOUS BUTTE-SILVER BOW CITY-COUNTY LOCAL GOVERNMENT OFFICES, TO BE ADMINISTERED THROUGH THE FINANCE AND BUDGET OFFICE. (Communication No. 08-15 being held in Committee of the Whole) **Proof of publication was noted and placed on file.**

Jeff Amerman, Finance and Budget Director, and Linda Sajor Joyce, MIS Director opened the following proposals:

1. Nex Gen Payment Services
2. U.S. Bank
3. Frontline Processing
4. Wells Fargo
5. Heartland Payment Service

It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried with a unanimous verbal vote to send the five proposals to the Review Committee for review and report back to council.

SECTION III

CONSENT AGENDA

- A.
1. COMMITTEE OF THE WHOLE MEETING REPORT
 2. FINANCE AND BUDGET COMMITTEE MEETING REPORT
 3. JUDICIARY COMMITTEE MEETING REPORT
 4. PUBLIC WORKS COMMITTEE MEETING REPORT

B. **COMMUNICATIONS**

Before entertaining a motion for approval of the Consent Agenda, Chief Executive Babb called for any segregations or “Friendly Amendments”. Commissioner O’Leary segregated Section VII, Communication No. 08-16 of the Committee of the Whole Meeting Report.

It was then moved by Commissioner O’Leary, seconded by Commissioner Lee and carried with a unanimous verbal vote to approve the Consent Agenda, Section A, Items 1 through 4, Section B, Items 1 through 24 with the exception OF the item segregated.

SECTION IV COMMUNICATIONS TO BE READ AND ACTED UPON

Segregation of Communication No. 08-16

Paul Babb, Chief Executive, requesting concurrence in promotion of Richard Ryan to Battalion Chief.

It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried with a unanimous verbal vote to approve and concur with the promotion of Mr. Ryan as Battalion Chief in our Fire Department. Mr. O’Leary also moved to place Communication No. 08-16 on file. The motion was seconded by Commissioner Lee and carried by a unanimous verbal vote.

1. 08-41 John P. Walsh, Sheriff, requesting time on 2/6/08 agenda for confirmation of Joshua Stearns as a permanent member of the Butte-Silver Bow Law Enforcement Department.

It was moved by Commissioner O’Leary, seconded by Commissioner and carried by a unanimous verbal vote to refer Communication No. 08-41 to Committee of the Whole.

2. 08-55 Paul Babb, Chief Executive, requesting concurrence in the confirmation of Jason Martin as a firefighter.

It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a unanimous verbal vote to concur with the request in Communication No. 08-55 for confirmation of Jason Martin as a firefighter.

It was then moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a unanimous verbal vote to place Communication No. 08-55 on file.

3. 08-59 Paul Babb, Chief Executive, requesting concurrence for promotions to Captain for the Butte-Silver Fire Department.

It was moved by Commissioner O’Leary, seconded by Commissioner Fay and carried by a unanimous verbal vote to concur with the request to promote Rick Hanson, Mark Lee and Mark McCarthy as Captains in the Butte-Silver Bow Fire Department and place Communication No. 08-59 on file.

SECTION V

ORDINANCES AND RESOLUTIONS REFERRED TO JUDICIARY

**1. COUNCIL BILL NO. 08-2
ORDINANCE NO. 08-2**

AN ORDINANCE AMENDING SUBSECTION 9.01 OF SECTION 4 OF BUTTE-SILVER BOW ORDINANCE NO. 204 AND SECTION 10.32.010(I) OF THE BUTTE-SILVER BOW MUNICIPAL COD (B-SB MC) ENTITLED “STOP SIGNS”; PROVIDING THAT TRAFFIC PROCEEDING ALONG IRON STREET SHALL STOP BEFORE ENTERING THE INTERSECTION OF IRON STREET AND NEVADA STREET AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**2. COUNCIL BILL NO. 08-3
ORDINANCE NO. 08-3**

A RESOLUTION AMENDING BUTTE-SILVER BOW ORDINANCE NO. 345 AND CHAPTER 2.20 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “LAW ENFORCEMENT DEPARTMENT”; AMENDING SECTIONS 2.20.280, 2.20.290 AND 2.20.300, B-SB MC; CHANGING THE DIVISIONS IN THE LAW ENFORCEMENT DEPARTMENT TO DETENTION, OPERATIONS AND INVESTIGATION AND PROVIDING FOR AN EFFECTIVE DATE HEREIN

3. COUNCIL RESOLUTION NO. 08-1

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW LAW ENFORCEMENT DEPARTMENT FROM THE MONTANA DEPARTMENT OF TRANSPORTATION TO PURCHASE TWO FLHTP HARLEY DAVIDSON MOTORCYCLES TO BE EXPENDED IN THE GENERAL FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN

4. COUNCIL RESOLUTION NO. 08-2

RESOLUTION RELATING TO FINANCING OF CERTAIN PROPOSED PROJECTS; ESTABLISHING COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

5. COUNCIL RESOLUTION NO. 08-4

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A PARCEL OF REAL PROPERTY DESCRIBED AS A PORTION OF THE LATE ACQUISITION LODGE, MINERAL SURVEY NO. 497 AND A PORTION OF THE WOOLMAN LODGE, MINERAL SURVEY NO. 546, ALL LOCATED IN SECTION 13, TOWNSHIP 3 NORTH, RANGE 8 WEST, P.M.M., OWNED BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA TO THE ADJOINING OWNER PURSUANT TO POLICIES ADOPTED BY THE COUNCIL OF COMMISSIONERS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**SECTION VI ORDINANCES AND RESOLUTIONS –
SUSPENSION OF THE RULES FOR FINAL PASSAGE**

It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried with a roll call vote of 10 yeas 0 nays and 2 absent to suspend the rules for the purpose of passing Council Resolution No. 08-3 by waiving subsection 7 of Rule XXXVI of the Rules and Order of Business of the Council of Commissioners, thereby having it considered for advanced passage without reference to the Judiciary Committee.

1. COUNCIL RESOLUTION NO. 08-3

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A PARCEL OF REAL PROPERTY DESCRIBED AS LOTS 8 AND 9 IN BLOCK

B OF THE BELL OF BUTTE ADDITION OWNED BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA TO THE ADJOINING OWNER PURSUANT TO POLICIES ADOPTED BY THE COUNCIL OF COMMISSIONERS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a roll call vote of 10 yeas, 0 nays and 2 absent to place Council Resolution No. 08-3 on final reading and passed having been deemed fully read at length.**

The meeting adjourned at 7:45PM.

CHIEF EXECUTIVE

ATTEST:

CLERK AND RECORDER